









**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**






GOT I, LLC and KIDS II, INC.,	)	
	)	
Plaintiffs,	)	CIVIL ACTION
	)	
vs.	)	FILE NO. 1:16-CV-00038-WSD
	)	
XRT, INC. and DAVID EUGENE	)	<b><u>CONFIDENTIAL</u></b>
SILVERGLATE,	)	
	)	
Defendants/Counterclaimants.	)	
	)	




**JOINT SUBMISSION**







Plaintiffs GOT I, LLC and Kids II, Inc. and Defendants XRT, Inc. and Mr. David Eugene Silverglate (collectively the “Parties”) hereby provide the Court with the following Joint Submission in accordance with the Court’s order of January 10th, 2017. Charts classifying products in accordance with the Court’s order may be found below, while a description of each parties’ position on disputed products is attached as Exhibit A (and referenced in the charts below).

**Note by Plaintiffs:** This filing has been prepared in a format proposed by Defendants. Pursuant to the Court’s instructions, Plaintiffs suggested preparing a simpler filing that briefly stated each parties’ position with respect to each product (e.g. a sentence). Defendants however insisted on a more detailed filing with factual and legal contentions.

1. "Existing Products" that are not disputed						
SKU	Product Name	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class.	XRT: Royalty Owed
81001 81004 81024 81061	Oball (different sizes and colors)		Existing	■	Existing	■
81005	Oball Jellies		Existing	■	Existing	■
81030	Oball Rainstick		Existing	■	Existing	■
81031	Oball with Rattles		Existing	■	Existing	■
81035	Oball with Rattle (inside)		Existing	■	Existing	■
81055 81056 81058	O-Links		Existing	■	Existing	■
81071 81073	Oball Football		Existing	■	Existing	■
81081	Oball Bat & Ball		Existing	■	Existing	■

1. "Existing Products" that are not disputed						
SKU	Product Name	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class.	XRT: Royalty Owed
81084	Oball Paddle & Ball		Existing	■	Existing	■
81091	Oball Roller		Existing	■	Existing	■
81101	Sky-O		Existing	■	Existing	■
81199	Sky Blaster		Existing	■	Existing	■
81501 81503	O-Slider/Beebo (multiple sizes)		Existing	■	Existing	■

2. "Existing Products" that are disputed							
SKU	Product	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class.	XRT: Royalty Owed	Detail
81142	Oball Rattle- Pooh		Existing (subject to 3rd Party License under § 2(c).)	■	Existing	■	Ex. A at 1
81143	Oball Rattle – Mickey		Existing (subject to 3rd Party License under § 2(c).)	■	Existing	■	Ex. A at 2
81144	Oball Rattle- Minnie		Existing (subject to 3rd Party License under § 2(c).)	■	Existing	■	Ex. A at 3

3. Newly Developed Products that are not disputed.						
SKU	Product	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class.	XRT: Royalty Owed
10064	Oball Shape Sorter		Newly Dev.	■	Newly Dev.	■
81106	Oball Anyway Stacker		Newly Dev.	■	Newly Dev.	■
81107	Oball Shaker		Newly Dev.	■	Newly Dev.	■
81145	Oball Soccer Ball		Newly Dev.	■	Newly Dev.	■
81514	Oball Wobble Bobble		Newly Dev.	■	Newly Dev.	■
81538	Bath Pour and strain		Newly Dev.	■	Newly Dev.	■



















10246	Floating Oball		Newly Dev.		Newly Dev.	
-------	----------------	---	---------------	---	---------------	---

---






<sup>1</sup> Kids II's Position: Kids II has informed XRT that it is in the process of correcting any underpayment for this product.

**4. Products for which the parties dispute whether the product is an “Existing Product,” a “Newly Developed Product,” or neither.**

SKU	Product	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class	XRT: Royalty Owed	Detail
10063	Oball Jingle & Shake Pal		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 44
10065	Grab ‘n Splash Turtle		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 41
10067	Oball Scoop		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 42
10068	Tubby Scoop Friends		Combined Product  (Agmt §2(b))		Newly Developed Product		Ex. A at 43
10093 10094	Oball Pink Rattle & Roll Car/Buggy		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 35






4. Products for which the parties dispute whether the product is an “Existing Product,” a “Newly Developed Product,” or neither.							
SKU	Product	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class	XRT: Royalty Owed	Detail
10095	Oball Pink Rollie Rattles Lion		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 32
10096	Oball Pink Rollie Rattles Elephant		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 33
10311	Oball Go Grippers Vehicle Assortmen t		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 47
10312	Oball Go Grippers Dump Truck		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 48
10313	Oball Go Grippers Loader		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 49
10314	Oball Go Grippers Car Carrier		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 54




























4. Products for which the parties dispute whether the product is an “Existing Product,” a “Newly Developed Product,” or neither.							
SKU	Product	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class	XRT: Royalty Owed	Detail
10315	Oball Go Grippers Bounce n’ Zoom Speedway		Combined Product  (Agmt §2(b))	██████	Newly Developed Product  (Agmt §1(j))	██████	Ex. A at 50
10347	Football with Rattle		Newly Developed Product  (Agmt §1(j))	██████	Existing Product  (Agmt §1(i))	██████ ██████ ██████	[K2 paid .40%]
10556	Oball O-Copter		Combined Product  (Agmt §2(b))	██████	Newly Developed Product  (Agmt §1(j))	██████	Ex. A at 55
10637	Grasp & Splash Gift Set		Combined Product  (Agmt §2(b))	██████	Newly Developed Product  (Agmt §1(j))	██████	Ex. A at 45
10735	Oball Go Grippers Towtruck		Combined Product  (Agmt §2(b))	██████	Newly Developed Product  (Agmt §1(j))	██████	Ex. A at 56



<sup>2</sup> Kids II’s Position: Kids II has already corrected any underpayment for this product in Royalty Reports that XRT has refused to accept and which are being placed into escrow.

**4. Products for which the parties dispute whether the product is an “Existing Product,” a “Newly Developed Product,” or neither.**

SKU	Product	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class	XRT: Royalty Owed	Detail
10736	Oball Go Grippers Steam Roller		Combined Product (Agmt §2(b))	■	Newly Developed Product (Agmt §1(j))	■	Ex. A at 57
10784	Oball Go Grippers 3-Pack Pink Car Set		Combined Product (Agmt §2(b))	■	Newly Developed Product (Agmt §1(j))	■	Ex. A at 51
10806	Oball Rattling Rocket		Combined Product (Agmt §2(b))	■	Newly Developed Product (Agmt §1(j))	■	Ex. A at 58
10807	Oball Grasp & Teethe Teether		Combined Product (Agmt §2(b))	■	Newly Developed Product (Agmt §1(j))	■	Ex. A at 59
10853	Oball Bounce With Me		Newly Developed Product (Agmt §1(j))	■	Existing Product (Agmt §1(i))	■	Ex. A at 60

4. Products for which the parties dispute whether the product is an “Existing Product,” a “Newly Developed Product,” or neither.							
SKU	Product	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class	XRT: Royalty Owed	Detail
10864	Oball Go Grippers Vehicle Race Car 3-Pack		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 52
10929	Oball Go Grippers Vehicle 2-Pack		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 53
11135	Oball Splash Essentials Gift Set		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 61
10809	Oball Boat		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 62
60265	Obounce Activity Center		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 8
60550	Activity Center - CR		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 36

4. Products for which the parties dispute whether the product is an “Existing Product,” a “Newly Developed Product,” or neither.							
SKU	Product	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class	XRT: Royalty Owed	Detail
60682	Activity Center		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 31
60714	Obounce Activity Center - BounceObunch		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 27
81154	Oball Twist-O-Round		Not Subject to Royalty Agreement		Newly Developed Product  (Agmt §1(j))		Ex. A at 9
81174	Rattle, Roll & Spin Gift Set		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 37
81506	Oball 12 Linky Loops		Not Subject to Royalty Agreement		Newly Developed Product  (Agmt §1(j))		Ex A at 10





4. Products for which the parties dispute whether the product is an “Existing Product,” a “Newly Developed Product,” or neither.							
SKU	Product	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class	XRT: Royalty Owed	Detail
81508	Oball Clickity Twist		Not Subject to Royalty Agreement	■	Newly Developed Product (Agmt §1(j))	■	Ex. A at 11
81509	Oball Sliding Spirals Chaser		Not Subject to Royalty Agreement	■	Newly Developed Product (Agmt §1(j))	■	Ex. A at 12
81510	Oball Rattle & Roll		Combined Product (Agmt §2(b))	■	Newly Developed Product (Agmt §1(j))	■	Ex A at 46
81511	Oball Flexiloops		Not Subject to Royalty Agreement	■	Newly Developed Product (Agmt §1(j))	■	Ex A at 13
81512	Oball Flex & Slide		Not Subject to Royalty Agreement	■	Newly Developed Product (Agmt §1(j))	■	Ex. A at 14

















**4. Products for which the parties dispute whether the product is an “Existing Product,” a “Newly Developed Product,” or neither.**

SKU	Product	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class	XRT: Royalty Owed	Detail
81517	Oball Rollie Rattles		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 7
81518	Oball Click Slide & Twist Gift Set		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 5
81519	Oball Slide, Rattle, & Roll Gift Set		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 6
81522	Oball Roar-O- Rattle		Not Subject to Royalty Agreement		Newly Developed Product  (Agmt §1(j))		Ex. A at 15
81523	Oball Grip & Teethe Keys		Not Subject to Royalty Agreement		Newly Developed Product  (Agmt §1(j))		Ex. A at 16

**4. Products for which the parties dispute whether the product is an “Existing Product,” a “Newly Developed Product,” or neither.**





SKU	Product	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class	XRT: Royalty Owed	Detail
81525	Play-O-Lot Activity Gym		Combined Product  (Agmt §2(b))	■	Newly Developed Product  (Agmt §1(j))	■	Ex. A at 17
81526	Oball Flexiloops		Not Subject to Royalty Agreement	■	Newly Developed Product  (Agmt §1(j))	■	Ex. A at 18
81529	Suction Cup Toy (Grip & Play)		Combined Product  (Agmt §2(b))	■	Newly Developed Product  (Agmt §1(j))	■	Ex. A at 26
81531	O Play Activity Gym		Combined Product  (Agmt §2(b))	■	Newly Developed Product  (Agmt §1(j))	■	Ex. A 19

**4. Products for which the parties dispute whether the product is an “Existing Product,” a “Newly Developed Product,” or neither.**










SKU	Product	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class	XRT: Royalty Owed	Detail
81532	Play-O-Lot Activity Gym		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 20
81533	Roarin' & Rollin' Gift Set		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 21
81534	Oball Favorites Gift Set		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 22
81536	Flex n Go Activity Arch		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 34
81539	Oball Bath Submarine		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 40



**4. Products for which the parties dispute whether the product is an “Existing Product,” a “Newly Developed Product,” or neither.**

SKU	Product	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class	XRT: Royalty Owed	Detail
81549	Pink Rattle & Roll Car/ Buggy		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 30
81550	Pink Rollie Rattles		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 28
81551	Pink Grip & Play		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 29
81553	Oball Bath Duck Assortmen t		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 39

**4. Products for which the parties dispute whether the product is an “Existing Product,” a “Newly Developed Product,” or neither.**

SKU	Product	Image	K2: Product Class.	K2: Royalty Owed	XRT: Product Class	XRT: Royalty Owed	Detail
81558 81559	Rattle & Roll Car/Buggy		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 23
81560	Rollie Rattles Elephant		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A at 24
81561	Rollie Rattles Lion		Combined Product  (Agmt §2(b))		Newly Developed Product  (Agmt §1(j))		Ex. A 25